



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 6, 2005 REPORT NO. HO 05- 056

ATTENTION: Hearing Officer

SUBJECT: PENNER RESIDENCE – LA JOLLA SHORES AND COASTAL  
DEVELOPMENT PERMIT - PTS PROJECT NUMBER 1536 –  
PROCESS 3 – OLD CODE.

LOCATION: 8405 El Paseo Grande, located east of the Pacific Ocean, west of La Jolla  
Shores Drive, north of Vallecitos and south of Camino Del Collado

APPLICANT: Nathan Penner and Dr. Gerald Handler

### SUMMARY

Requested Action - Should the Hearing Officer approve 1) A La Jolla Shores Planned District Development Permit to allow a second-story addition to an existing, one-story, single-family residence; 2) A Coastal Development Permit to allow an addition which exceeds ten percent of the height and floor area of the existing residence; and 3) A Variance to maintain an existing parking space located within the setback, on a property within the 'SF' (Single-Family Residential) Zone of the La Jolla Shores Planned District and La Jolla, La Jolla Shores Community Plan and Local Coastal Program Area?

### Staff Recommendation -

1. APPROVE La Jolla Shores Development Permit No. 206666, and Coastal Development Permit No. 206775, with conditions; and
2. DENY Variance No. 206776.

Community Planning Group Recommendation – As of March 30, 2005, no recommendation from the La Jolla Community Planning Association had been received.

Other Recommendations –

On July 20, 2004, the La Jolla Shores Advisory Board voted 4-0 to deny the project based on concerns related to lack of conformance with design criteria and design standards adopted by the City Council. A copy of this decision is included as Attachment 9.

On January 18, 2005, the La Jolla Shores Advisory Board voted 5-0 to deny the project based on concerns related to lack of conformance with design criteria and design standards adopted by the City Council. A copy of this decision is included as Attachment 9.

Environmental Review - This project is exempt from environmental review pursuant to Article 19, Section 15301(1), Existing Facilities, of the California Environmental Quality Act (CEQA), Attachment 13.

## BACKGROUND

This project is subject to the rules and regulations contained in the City of San Diego Municipal Code in effect on December 31, 1999 (Old Code).

The property is addressed as 8405 El Paseo Grande and located east of the Pacific Ocean, La Jolla Shores Beach and Kellogg Park, west of La Jolla Shores Drive, north of Vallecitos and south of Camino Del Collado, within the 'SF' (Single-Family) Zone of the La Jolla Shores Planned District. The approximately 7,700 sq. ft. (0.18-acre) property was initially subdivided in 1929, and is located within the La Jolla, La Jolla Shores Community Plan and Local Coastal Program, and La Jolla Shores Precise Plan Areas. These Plans designate the site and surrounding properties for single-family residential land use. The existing use and the proposed addition are consistent with this designation. The property is also located within the Beach Parking Impact Overlay Zone, Coastal and Proposition 'D' Height Limitation Overlay Zones, and is within the Coastal Commission Appeal Jurisdiction. Surrounding land uses include La Jolla Shores Beach, Kellogg Park and the Pacific Ocean to the west, and one-and two-story, single-family residential development to the north, east and south.

The triangular-shaped property is developed with a one-story, three-bedroom, two-bath, single-family residence and converted one-car garage, totaling approximately 3,123 sq. ft. of area. This garage was legally converted from an off-street parking space to living area, pursuant to a building permit issued in 1984. A two-car garage (460 sq. ft. in area) is located at the easterly portion of the property and provides off-street parking for two cars. A 600 sq. ft. art studio/guest quarters with full bath and exterior access only, is located above the garage. This improvement was constructed pursuant to a building permit issued in 1983. The total floor area of the existing site improvements is approximately 4,183 sq. ft.

The property currently has two curb cuts/driveways leading onto the property from Camino Del Oro.

#### Westerly Access –

Consists of an 18-foot wide curb cut/driveway located at the westerly portion of the property along Camino Del Oro, which provides access to the converted garage. This garage was legally converted to a workroom/storage/den and laundry area in 1984. Approved building plans indicate that with the conversion of this garage, the curb cut and driveway remained, which accommodated utilization of the setback area for off-street parking. Municipal Code regulations then in effect specified that off-street parking be provided outside of front and street-side yard setback areas. With the conversion of the garage to living area and the elimination of the off-street parking space outside of the required setback, the curb cut should have been closed at this time and replaced with a full-height curb and gutter. Because the Applicant is now requesting a discretionary action, staff is making an effort to correct this oversight. Conditions have been added to the draft Permit which requires the curb cut to be closed and replaced with a full-height curb and gutter, elimination of the driveway, and provision of additional landscaping.

The Applicant has indicated a desire to maintain this access including the area within the setback, for off-street parking. This request requires approval of a Variance pursuant to Municipal Code Section 101.0502, to maintain parking within the setback area where parking is otherwise not permitted.

#### Easterly Access –

A second 15-foot wide curb cut/driveway is located along Camino Del Oro, along the easterly portion of the property. This access continues to provide access to two, off-street parking spaces within an existing two-car garage.

Municipal Code Section 103.0302.3 requires approval of a La Jolla Shores Planned District Development Permit (Hearing Officer) for any work including the remodeling, alteration, addition, or demolition of any existing building or structure within the Planed District. The proposed second-story addition is within the scope of work which requires compliance with this requirement.

Municipal Code Section 105.0204 requires an approved Coastal Development Permit (Hearing Officer) for improvements to an existing structure that result in an increase of ten percent (10%) or more of interior floor area or building height where such structure is located between the sea and the first public roadway paralleling the sea, or within 300-feet of the inland extent of any beach, or of the mean high tide line where there is no beach, whichever is the greater distance. Although the subject property is located east of El Paseo Grande (not between the sea and the first public roadway), it is located within 300-feet of the inland extent of La Jolla Shores Beach. The requested Coastal Development Permit would add 1,254 sq. ft. of floor area (40%) to the existing 3,123 sq. ft. residence, and approximately 9-feet in height (53%) to the existing approximately 17-foot high dwelling, for a total height of approximately 26-feet.

Municipal Code Section 101.0502 requires an approved Variance (Hearing Officer) for development that proposes modification of distance or areas regulations which exceeds 20% of required yards. The requested Variance seeks to maintain off-street parking observing a zero-foot required yard/setback (100%) from Camino Del Oro.

Municipal Code regulations provide for a decision by the Hearing Officer appealable to the Planning Commission (Process 3). The decision of the Planning Commission is appealable to the City Council under an 'extraordinary appeal' provision as provided by the 'Old Code'. Because the property is located within the State of California Coastal Commission Appeal Jurisdiction, the City's decision is also appealable to the Coastal Commission.

## DISCUSSION

### Project Description

The Applicant has submitted revised plans in an effort to address issues identified during the course of project review. Revisions were made to reduce the corner landscaping and impacts to the view corridor, remove lattice from the top of an existing wall, modify an existing stucco wall on the second floor to include glass to meet transparency requirements, and provide additional articulation on the north elevation to reduce bulk and scale.

The proposed project would add a 1,254 sq. ft., second-story addition atop a northerly portion of the existing 3,123 sq. ft., one-story, single-family residence. A stairway will provide interior access from the existing first-floor, to the proposed second-floor. The new second-floor consists of a master bedroom, bath/shower and walk-in closet area. The project is located adjacent to a visual access corridor as identified in the 1985 La Jolla-La Jolla Shores Local Coastal Program. Staff review has determined that the siting of the proposed second-story addition on the northerly portion of the existing one-story residence will not impact the identified corridor located within the public-right-of-way adjacent to the southerly portion of the property along Camino Del Oro. Conditions have been added to the draft Permit (Attachment 7) which is intended to enhance public views from east to west along this dedicated public right-of-way. These conditions require thinning of existing trees and trimming of vegetation to a maximum of three-feet in height.

Municipal Section 101.0817 prohibits off-street parking spaces within front and street-side yards/setbacks. Municipal Code Section 101.0823 regulates parking within the Beach Impact Area of the Coastal Zone, the purpose of which is to provide supplemental parking regulations for specified coastal, and beach areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly. Conditions have been added to the draft permit which requires that the "westerly access" curb cut be replaced with a full-height curb and gutter, and that the driveway be removed and replaced with landscaping. This effort will assist in the elimination of parking within the setback area, and will also provide one additional on-street parking space within a high on-street parking demand area, adjacent to La Jolla Shores Beach and Kellogg Park.

### Community Plan Consistency

Staff review has determined that the project, without the Variance, is consistent with the La Jolla Shores Precise Plan and the La Jolla Community Plan which designate the site for single-family residential development. Site landscaping along the established view corridor will be thinned and maintained to improve public views. There is no maximum floor area ratio required for single-family structures in the La Jolla Shores Precise Plan Area. A survey of the surrounding properties and area indicates that the proposed project is consistent in bulk and scale with the surrounding neighborhood.

### Discussion of Issues

The La Jolla Shores Advisory Board voted to deny the project based on issues related to bulk and scale, lack of compliance with the minimum 30% landscape requirement of the PDO, trellis location, curb cut for the westerly access and reduction in width of the easterly access curb cut from 15-feet in width to 12-feet in width, and additional articulation on the north elevation.

Project modifications have been made by the Applicant to the extent desired. Due to design considerations, the Applicant proposes to maintain the existing northerly façade of the structure which includes the second-story addition observing a four-foot side yard, where the existing first-story observes a five-foot side yard. Plan revisions have been made to meet the minimum thirty-percent landscaping requirement of the PDO.

Staff has reviewed the project as initially proposed, and the modifications made by Applicant in an effort to address identified issues. Conditions have been added to the draft Permit which requires compliance with applicable conditions of the Municipal Code related to off-street parking, on-street parking, vehicular access, curb-cut and driveway width and landscaping. These conditions require the elimination of the westerly access curb cut and driveway, placement of a full-height curb and gutter, and installation of additional green and growing planting at a lower height, compatible with the established view corridor along Camino Del Oro. Conditions also require the reduction in curb-cut and driveway width of the easterly access from 15-feet to 12-feet, and installation of additional landscaping similar to that required with the westerly access.

### Conclusion

Staff can support the Applicant's request, without the Variance, provided that the draft Conditions are applied to the project and implemented. Draft findings are included in Attachment 7 for the decisionmakers consideration.

### ALTERNATIVES

1. Approve LJS Permit No. 206666, CDP No. 206775, and Variance No. 206776 with conditions;

2. Deny LJS Permit No. 206666, CDP No. 206775, and Variance No. 206776, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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WILLIAM C. TRIPP  
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map (Existing)
3. Community Plan Land Use Map (Proposed)
4. Project Location Map
5. Project Data Sheet
6. Project Plan(s)
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. La Jolla Shores Advisory Board Recommendation(s)
10. Ownership Disclosure Statement
11. Project Chronology
12. Copy of relevant Municipal Code Sections
13. CEQA Exemption